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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,541	11/06/2000	Elijah Shapira	3561-68	1290
20575	7590	09/20/2004	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/707,541	Applicant(s) SHAPIRA ET AL. 	
	Examiner Jeffrey Pwu	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 6/3/2004 amendment.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being unpatentable over Papierniak et al. (U.S. 6,128,624).

Papierniak et al. disclose claims:

1. A method for tracking and reporting electronic commerce activity over a web site comprising:

storing a web page on a first server (308) coupled to a wide area network, said web page including data fields reflecting commerce transaction activity and data mining code; uploading the web page including the data fields and data mining code to a visitor computer responsive to a request over the wide area network from the visitor computer; accepting commerce information within the data fields of the web page at the visitor computer to form a completed web page (306; col.3, lines 13-53);

operating the data mining code on the visitor computer to obtain technical and commercial data (col.12, lines 5-14); and
receiving the technical and commercial data at a second server(method steps of figs. 8-15; col.3, line 22-col.5, line 58).

2. The method for tracking and reporting electronic commerce activity of claim 1 further including the steps of:
receiving the completed web page at the fast server (col.2, line 57-col.3, line 65);

Art Unit: 3628

generating an order confirmation web page incorporating the commerce information from the data fields of the completed web page, said order confirmation web page including the data mining code; and uploading the order confirmation web page to the visitor computer (method steps of figs. 8-15; col.3, line 22-col.5, line 58).

3. The method for tracking and reporting electronic commerce activity of claim 2, further including the steps of associating variables within the data mining code to the commerce information within the order confirmation page; confirming the commerce information at the visitor computer; receiving the order confirmation page from the visitor computer at the first server responsive to the step of confirming the commerce information; and receiving the associated variables at the second server responsive to the step of confirming the commerce information (col.3, line 63-col.4, line 10).

4. The method for tracking and reporting electronic commerce activity of claim 3, wherein the step of associating variables includes the steps of associating a variable with a product name of the commercial transaction (col.3, line 63-col.4, line 10).

5. The method for tracking and reporting electronic commerce activity of claim 3, wherein the step of associating variables includes the steps of associating a variable with a product category of the commercial transaction (col.16, lines 36-37).

6. The method for tracking and reporting electronic commerce activity of claim 3, wherein the step of associating variables includes the steps of associating a variable with a number of products purchased in the commercial transaction (col.15, lines 11-col.17, line 38).

7. The method for tracking and reporting electronic commerce activity of claim 3, wherein the step of associating variables includes the steps of associating a variable with a unit price of the commercial transaction (col.15, lines 11-col.17, line 38).

8. The method of claim 3, further comprising the steps of compiling the variables into a commercial transaction report; and
posting the report for viewing over the wide area network (figs. 15-15A)

9. The method of claim 1 further including the step of embedding the commercial data within a URL request directed at the second server (col.12, lines 37-50).

Art Unit: 3628

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 703 308-7835. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyun Sough can be reached on 703 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEFFREY PWU
PRIMARY EXAMINER